

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**VICTORIA BIBBS,**

**Plaintiff,**

**V.**

**BRADLEY FOULK, et al.,**

**Defendants.**

**Civil Action No. 04-0349Erie**

## ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation filed on July 1, 2005, recommended that the motions to dismiss filed by the defendants (Doc. 7) be granted. The parties were allowed ten (10) days from the date of service to file any objections. Service was made on all parties. Plaintiff filed a Notice of Objection.

After *de novo* review of the documents in the case, together with the report and recommendation and plaintiff's Notice of Objection, the following Order is entered:

AND NOW, to-wit, this 25<sup>th</sup> day of July, 2005, IT IS HEREBY ORDERED that defendants' motion to dismiss (Doc. 7) be and hereby is GRANTED. The report and recommendation of Magistrate Judge Baxter dated December 6, 2004 be and hereby is adopted as the Opinion of this Court.

The Clerk of Court be and hereby is directed to mark this case as “closed.”

Maurice B. Cohill, Jr.  
Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: The Honorable Susan Paradise Baxter  
United States Magistrate Judge

all parties of record